

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

THE UNITED STATES OF AMERICA

v.

2014-cr-73-02-PB

LOIS PATTON ET AL  
(CO-DEFENDANT LAURA MINOT)

**ASSENTED-TO MOTION FOR STATUS OF COUNSEL HEARING  
OR TO APPOINT NEW COUNSEL**

Defense counsel Theodore Lothstein respectfully requests that this Court either schedule a status of counsel hearing, or allow undersigned counsel to withdraw and appoint new counsel.

In support, it is stated:

1. The government, in an indictment filed June 11, 2014, originally charged Lois Patton and Laura Minot in a fourteen count indictment with conspiracy to commit wire fraud, nine discrete counts of wire fraud, attempted access device fraud, access device fraud, and aggravated identity fraud. The offenses arise from alleged efforts to apply for, and use, credit cards obtained from various retail stores using false identifying information, over the course of a twelve-day period in April, 2014. The government then filed a superseding indictment on October 1, 2014, which is similar to the original indictment, other than the addition of an overt act and some minor editing or revisions to the original indictment. Ms. Minot waived arraignment and pled not guilty to the superseding indictment.

2. The final pretrial is scheduled for December 18, 2014. The jury trial is scheduled for the two-week period beginning January 2, 2015. This case has been previously continued, once on motion by the co-defendant Ms. Patton, and a second time on motion by undersigned counsel.
3. Because Ms. Minot is charged with Aggravated Identity Fraud, which carries a mandatory minimum 2 year prison sentence, she faces a difficult situation from a sentencing perspective. Ms. Patton has already changed her plea to guilty, agreeing to a stipulated sentence (subject to the Court's approval) of 54 months in prison.
4. After negotiations, the government made a proposal for a negotiated plea agreement and set a deadline for acceptance of its proposed plea agreement for today, Friday, December 5, 2014. Undersigned counsel met with Ms. Minot on Wednesday, December 3, 2014, to discuss the government's proposal.
5. Ms. Minot contacted undersigned counsel today, December 5, 2014, to express a number of grievances against her counsel, and to state that she would be filing her own motion asking to dismiss undersigned counsel and have new counsel appointed in her defense.
6. Undersigned counsel does not agree with the substance of Ms. Minot's grievances but agrees that the attorney-client relationship has broken down and seems irreparable.

7. If a new counsel is appointed, then new counsel will almost certainly require a continuance of trial in order to prepare for trial. The discovery, while mostly relating to Ms. Patton alone and not Ms. Minot, nevertheless is extensive, including more than four thousand pages of materials, plus about a dozen surveillance videos.
8. Undersigned counsel encouraged Ms. Minot to file her *pro se* motion as soon as possible but files this Motion for Status of Counsel Determination for the following reasons: first, to advise the Court of the issue at the earliest opportunity, second, to advise the Court and State that a continuance of trial will be required if new counsel is appointed, and to seek resolution of the issue as soon as possible so that the government, and undersigned counsel, will not have to undertake substantial and potentially unnecessary trial preparations. Because the trial immediately follows the holidays, most of the preparation by undersigned counsel and by the government would have to be undertaken in the next two weeks, prior to the final pretrial hearing.
9. The government, through William Morse, Esq., assents to this motion.  
  
WHEREFORE, counsel respectfully requests that this Court:  
  
A) Schedule a status of counsel hearing at the earliest possible date, OR  
  
B) Allow undersigned counsel to withdraw, and appoint new counsel to represent Ms. Minot;  
  
C) grant such further relief as serves justice.

Respectfully submitted,

/s Theodore Lothstein

Theodore Lothstein

N.H. Bar. No. 10562

Lothstein Guerriero, PLLC

3 N. Spring Street, Ste. 101

Concord, NH 03301

TEL: (603) 513-1919

CERTIFICATE OF SERVICE

I hereby certify that this Motion has been forwarded to all parties of record electronically through the ECF system, this 6th day of October 2014, and a copy has been sent by first class mail to Laura Minot.

/s Theodore Lothstein

Theodore Lothstein